

Atty Docket No. 023070-094800US

PTO FAX NO.: (703) 746-4990

ATTENTION: Examiner Kubelik, A  
TELEPHONE NO.:

Group Art Unit 1638

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**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Kubelik, A**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

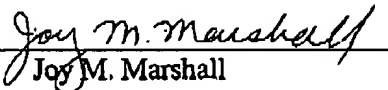
I hereby certify that the following document in re Application of CHERN and RONALD, Application No. 09/294,539, filed April 19, 1999 for PROTEINS THAT REGULATE SYSTEMIC ACQUIRED RESISTANCE IN PLANTS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Supplementary Amendment

Number of pages being transmitted, including this page: 10

Dated: May 23, 2002

  
Joy M. Marshall

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TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300

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PATENT  
Attorney Docket No.: 023070-094800US  
Client Ref. No.: 99-232-1

On May 23, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Gary M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHERN and RONALD

Application No.: 09/294,539

Filed: April 19, 1999

For: PROTEINS THAT REGULATE  
SYSTEMIC ACQUIRED RESISTANCE  
IN PLANTS

Examiner: Kubelik, A

Art Unit: 1638

SUPPLEMENTARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend the above-identified application as follows:

IN THE CLAIMS:

Please cancel the non-elected claims, i.e., claims ~~3, 5-12, 14-21, 23-29, 33, 35-42, 44-51, 53-59, 61, and 63-69.~~

Please amend claims 1, 2, 13, 22, 31, 43, 52, 60 and 70-72 as follows.

1. (Twice Amended) An isolated nucleic acid construct comprising a polynucleotide sequence encoding a polypeptide that is at least 80% identical to SEQ ID NO:4, wherein the polynucleotide sequence, when introduced into a plant, enhances the plant's resistance to pathogens compared to resistance of a plant not transformed with the polynucleotide sequence, and